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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,438	03/09/2006	James Sener	048595-9002-01	6374
83254 7590 12/28/2009 University of Connecticut Intellectual Property and Entrepreneurship Law Clinic 222 Pitkin Street, Suite 105 East Hartford, CT 06108				
EXAMINER				
BRADEN, SHAWN M				
ART UNIT		PAPER NUMBER		
3781				
NOTIFICATION DATE		DELIVERY MODE		
12/28/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

iplawclinic@law.uconn.edu

### Office Action Summary

**Application No.**

10/541,438

**Applicant(s)**

SENER, JAMES

**Examiner**

SHAWN M. BRADEN

**Art Unit**

3781

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 and 17-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Interval Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date 07/05/2005

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 21-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 08/20/09.
2. Applicant's election of group I in the reply filed on 08/20/2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 7-11,17-21 and 27-33 are withdrawn from consideration as not directed to the elected species.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5,12-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Durand (USPN 2,682,351).
5. With respect to claim 1,Durand shows a main body (fig. 1) having a base (3) and sidewalls (fig. 1); a storage cavity (1) defined in the main body and having an open end (the top); and a lid (5) coupled to the main body and movable with respect to the main

body between a first position (fig. 1) in which the lid substantially covers the open end of the storage cavity and a second position (fig.2 in phantom lines) in which the lid does not substantially cover the open end of the storage cavity, the lid positioned substantially horizontally in movement (in direction 21) between the first position and the second position.

6. With respect to claim 2 ,Durand shows, further comprising at least one of a cup holder (a cup can be held by element 10) and a tray (the top can function as a tray) defined in an upper surface of the lid.

7. With respect to claim 3,Durand shows a first portion (fig. 2) of the lid is positioned adjacent an upper end of at least one sidewall of the main body when the lid is in the second position (shown in fig. 2), and wherein at least one of the cup holder and the tray are at least partially defined in the first portion of the lid such that articles placed in at least one of the cup holder and tray can be at least partially supported by the at least one sidewall of the main body (the tray can be used as in fig. 1 or fig. 2).

8. With respect to claim 4,Durand shows at least one arm (12) positioned to couple the lid to the main body, the arm including a first portion (13) positioned adjacent the lid and a second portion (14) positioned adjacent the main body.

9. With respect to claim 5, Durand shows wherein the first portion (13) of the arm (12) is rotatable about a first axis (center of 13), the second portion (14) of the arm is rotatable about a second axis (center of 14), and the second portion of the arm is revolvable about the first axis (center of 13) as the lid is moved between the first position and the second position.

10. With respect to claim 12, Durand shows a base and sidewalls; a storage cavity (1) defined in the main body and having an open end; and a lid (5) coupled to the main body and movable between a first position (closed in fig. 1) in which the lid substantially covers the open end of the storage cavity and a second position (lid moved in direction 21 to open) in which the lid does not substantially cover the open end of the storage cavity; and an arm (12) positioned to couple the lid to the main body, the arm comprising a first portion (13) pivotally coupled to the main body and rotatable about a first axis (axis of 13) and a second portion (14) pivotally coupled to the lid and rotatable about a second axis (axis of 14) (13 and 14 are coupled to both the lid and the body).

11. With respect to claim 13, Durand shows the lid remains substantially horizontal during movement between the first position and the second position (horizontal movement shown in fig. 2).

12. With respect to claim 14, Durand shows wherein the second portion (14) of the arm (12) revolves about the first axis (center of 14) when the lid is moved between the first position (closed) and the second position (open).

13. With respect to claim 16 ,Durand shows further comprising at least one of a cup holder, a tray, a coin holder, and a utensil holder defined in an upper surface of the lid (the upper surface can function as a tray).

14.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durand.

Durand discloses the invention substantially as claimed. However Durand does not disclose , wherein the at least one arm includes four arms arranged in two sets of two parallel arms, one set of parallel arms being located on an opposite side of the cooler from the other.

It is well known in the prior art to duplicate parts in the same field of endeavor for the purpose of adding strength.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to double the amount of arms in order to add strength and rigidity.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWN M. BRADEN whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Friday 9-6:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony Stashick/  
Supervisory Patent Examiner, Art  
Unit 3781

/S. M. B./

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